99TH CONGRESS
1st Session

SENATE

TREATY DOC.
99-5

PROTOCOL AMENDING THE NORTH PACIFIC FUR SEALS CONVENTION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE PROTOCOL, SIGNED AT WASHINGTON ON OCTOBER 12, 1984, AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS BETWEEN THE UNITED STATES, CANADA, JAPAN, AND THE SOVIET UNION

MARCH 20, 1985.—Protocol was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

51-118 O

WASHINGTON : 1985

S385-5

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *March 20, 1985.*

To the Senate of the United States:

I am pleased to transmit herewith, for Senate advice and consent to ratification, the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals between the United States, Canada, Japan, and the Soviet Union, signed at Washington on October 12, 1984. I am also transmitting for the information of the Senate (1) a related statement of concerns, and (2) the report of the Department of State on the Protocol.

The Interim Convention was signed in 1957 and replaced an earlier convention concerning fur seals dating back to 1911. Under these conventions, the herds were protected and managed, and though there has been a decrease in recent years, the population has increased significantly from 300,000 seals at the turn of the century to approximately 1.2 million presently. The Interim Convention has been extended previously in 1963, 1969, 1976, and 1980. This Protocol provides for the extension of the Interim Convention for four years until 1988. Accompanying the Protocol for purposes of information is a statement of concerns signed by the four Governments.

I urge the Senate to consider this matter at an early date and give its advice and consent to ratification of the Protocol.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, February 26, 1985.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to transmittal to the Senate for advice and consent to ratification, the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals between the United States, Canada, Japan and the Soviet Union, signed at Washington on October 12, 1984 (the Protocol). I also transmit for the information of the Senate a related statement of concerns signed by the Parties to the Convention.

The Interim Convention was signed in 1957 and replaced an earlier convention concerning North Pacific fur seals dating back to 1911. Under these two conventions, the herds have been protected and managed, and although there has been a decrease in recent years, the population has increased significantly from 300,000 at the turn of the century to approximately 1.2 million at the present time. The Interim Convention has been extended previously in 1963, 1969, 1976 and 1980. The 1976 Protocol amended the Interim Convention to provide greater protection for fur seals, while the 1980 Protocol extended the Interim Convention for four years and acknowledged the four signatory nations' recognition of the extensions of fisheries jurisdictions which had occurred since the entry into force of the 1976 Protocol.

This Protocol provides for the extension of the Interim Convention for four years until October 1988. Accompanying the Protocol is a statement of concerns signed by the four Governments. In the statement, the Governments take note of concerns over declines in the fur seal population, current economic conditions, and other problems of fur seal management and conservation. The statement further expresses the shared view of the Governments: (1) that additional research is needed on the problem of net entanglement, believed to be a major cause of fur seal mortality at sea; (2) that the Parties will take all appropriate measures to prohibit in Convention areas the disposal at sea of synthetic materials, in conformity with their national laws and in accordance with the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter; (3) that in the event of unforeseen circumstances, the Parties may take additional measures necessary for the conservation and management of the fur seals; and (4) that within two years after the entry into force of the 1984 Protocol, the Governments will review the operation of the Convention to determine if further modification is needed.

The Interim Convention provides for the management of fur seal stocks throughout their range. Without it, the United States could manage fur seals only within its exclusive economic zone, not outside the zone. The Interim Convention also bans pelagic sealing, which United States scientists consider a wasteful method of harvesting seals. In addition, the Interim Convention allows the continuation of traditional Aleut harvesting of seals, providing the Aleuts with an economic livelihood and subsistence. Finally, the Interim Convention over the years has been a successful forum for international research on this species.

An environmental impact statement has been prepared which analyses the potential effects of extending the Interim Convention as well as alternatives. It concludes that the extension of the Convention for four years with the related statement of concerns is the best course of action. This will provide continued protection to North Pacific fur seals throughout their range, supply an impetus for continued research on fur seals and fur seal entanglement, and allow flexibility concerning possible adjustments of harvest levels in the face of unforeseen circumstances.

The Department of Commerce, which participated with the Department of State in the negotiation of this Protocol, concurs in the view that early ratification of the Protocol is most desirable. I recommend that the Protocol be transmitted to the Senate as soon as possible for its advice and consent to ratification. I also recommend that the related statement be transmitted to the Senate for its information.

Respectfully submitted.

GEORGE P. SCHULTZ.

1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America, Parties to the Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, as amended and applied, hereinafter referred to as the Convention,

Desiring to amend the Convention,

Have agreed as follows:

Article I

The Convention shall be applied as amended by this Protocol as from the date of its entry into force.

Article II

In Article V, paragraph 2(e) of the Convention, "at the end of the twenty-fifth year after entry into force of the Convention" is replaced by "by October 13, 1986".

Article III

In Article XI of the Convention, "in the twenty-sixth year after entry into force of the Convention" is replaced by "within the one year period prior to October 14, 1987".

Article IV

In Article XIII of the Convention, paragraph 4 is replaced by the following: "4. The Convention shall continue in force until October 13, 1987 and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until October 13, 1988, whichever may be the earlier; provided, however, that the Convention shall terminate one year from the day on which a Party gives written notice to the other Parties of an intention of terminating the Convention."

Article V

1. This Protocol shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United States of America as soon as possible.

2. A signatory Government which intends to ratify or accept this Protocol may notify the Government of the United States of America that it will apply this Protocol provisionally in accordance with its laws and regulations pending the fulfillment of domestic constitutional requirements for ratification or acceptance.

3. The Government of the United States of America shall notify the other signatory Governments of ratifications or acceptance deposited and of notifications of provisional application made.

4. This Protocol shall enter into force provisionally on the date on which instruments of ratification or acceptance have been deposited with or the notifications of provisional application as referred to in paragraph 2 above have been made to the Government of the United States of America by all the signatory Governments. It shall continue in force provisionally until the date on which it enters into force definitively in accordance with the provisions of paragraph 5.

5. This Protocol shall enter into force definitively on the date on which instruments of ratification or acceptance have been deposited with the Government of the United States of America by all the signatory Governments.

6. The original of this Protocol shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to this Protocol.

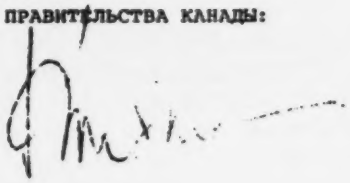
IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Washington this 12th day of October, 1984, in the English, French, Japanese, and Russian languages, each text being equally authentic.

FOR THE GOVERNMENT OF CANADA:
POUR LE GOUVERNEMENT DU CANADA:

カナダ政府のために

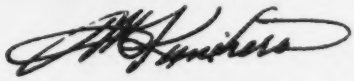
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА КАНАДЫ:



FOR THE GOVERNMENT OF JAPAN:
POUR LE GOUVERNEMENT DU JAPON:

日本国政府のために

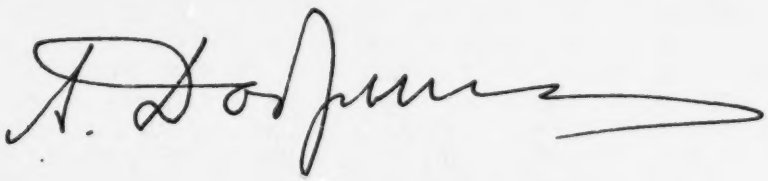
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА ЯПОНИИ:



FOR THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS:
POUR LE GOUVERNEMENT DE L'UNION DES REPUBLIQUES SOCIALISTES SOVIETIQUES:

ソヴィエト社会主義共和国連邦政府のために

ОТ ИМЕНИ ПРАВИТЕЛЬСТВА СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК:



FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:

アメリカ合衆国政府のために

ОТ ИМЕНИ ПРАВИТЕЛЬСТВА СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ:

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Statement by the Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America on the Signing of the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America (hereinafter referred to as the "Governments"), Parties to the Interim Convention on Conservation of North Pacific Fur Seals, as amended and applied (hereinafter referred to as the "Convention"), noted that, through their efforts, the North Pacific Fur Seal Commission (hereinafter referred to as the "Commission") has made an important contribution during the past quarter century to the conservation and management of North Pacific fur seal resources, and to the maintenance of a healthy ecosystem that includes such resources.

Therefore, the Governments expressed their intention to ratify or accept the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals in order to enable the Commission to continue its effective role in achieving the objectives of the Convention.

At the same time, the Governments noted that concern had been expressed on the decline or the fur seal populations, current economic conditions, and other problems of fur seal conservation and utilization.

As a result of the concern expressed, the Governments have expressed their shared view:

(1) that, in accordance with Article II of the Convention, additional research should be conducted concerning current aspects of fur seal conservation including the problem of entanglement of fur seals in lost or discarded fishing nets, gear, and other debris;

(2) that, in accordance with Article X of the Convention, and in conformity with their national laws, the Governments will take appropriate measures to prohibit the disposal at sea in the Convention areas of synthetic materials, such as fishing nets, or parts thereof, fishing gear, ropes, packing bands, and other debris which might lead to the entanglement of fur seals, in accordance with the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, of December 29, 1972;

(3) that, in accordance with Article X of the Convention, it may be necessary during the interim period of the Convention to take into account unforeseen circumstances as noted by the States of fur seal origin in considering measures to be taken for conservation and management of the fur seal populations; and

(4) that, taking into account Article XIII, paragraphs 4 and 5, as well as Article V, paragraph 2(e), within two years after the entry into force of the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals and considering current factors, the Governments will review the operation of the Convention to determine what further agreements would be desirable in order to achieve the objectives of the Convention.

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DONE at Washington this 12th day of October, 1984 in the English, French, Japanese, and Russian languages, each text being equally authentic.

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FOR THE GOVERNMENT OF CANADA:
POUR LE GOUVERNEMENT DU CANADA:
カナダ政府のために
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FOR THE GOVERNMENT OF JAPAN:
POUR LE GOUVERNEMENT DU JAPON:
日本国政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА ЯПОНИИ:

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POUR LE GOUVERNEMENT DE L'UNION DES REPUBLIQUES SOCIALISTES SOVIETIQUES:
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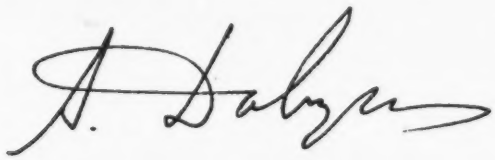

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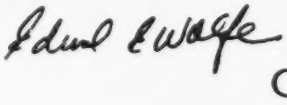

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